

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

347J0605

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 82** - 01/28/2004

Introduced by: Senators Knudson, Abdallah, de Hueck, and Moore and Representatives
Cutler, Engels, Kraus, and Williamson

1 FOR AN ACT ENTITLED, An Act to require prior notice of automatic renewal dates in certain
2 telecommunications contracts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any telecommunications company having a contract with a subscriber for any retail
7 telecommunications service that has a term of one year or more and that contains a provision
8 requiring the subscriber to take any action to avoid automatic renewal of the contract for a
9 renewal term greater than sixty days, shall give prior written notice to the subscriber of the
10 action that the subscriber must take to avoid automatic renewal. The telecommunications
11 company shall give notice to the subscriber not less than thirty and not more than sixty days
12 before the date of the required action. The notice shall inform the subscriber in clear, plain and
13 conspicuous language what action the subscriber must take to avoid renewal and the date by
14 which the subscriber must take such action. If the company fails to give the notice required by
15 this section, the automatic renewal provision may not be enforced against the subscriber, and



1 the subscriber may terminate the contract at will following expiration of the original term
2 without incurring any liability or penalty for early termination. The commission may promulgate
3 rules pursuant to chapter 1-26 concerning the form, content, and means of delivery of the notice
4 required by this section.